

EFFECTIVE DATE

Chapter effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

§ 4102. Membership of Board**(a) Composition, appointment, etc.**

The Board shall be composed of eleven members appointed by the Secretary of Agriculture (hereafter in this chapter referred to as the “Secretary”) as follows:

(1) seven members who, individually or as a group, are engaged in the commercial production of each of the program crops and in one or more of the other various major agricultural commodities produced in the United States. The Secretary shall assure that the major geographical production areas of the major agricultural commodities are represented;

(2) three members who, by virtue of their education, training, or experience, have extensive knowledge of the costs associated with the production of the major agricultural commodities; these members may be drawn from the fields of agricultural economics, banking, finance, accounting, or related areas; and

(3) one member who is an employee of the Department of Agriculture (hereafter referred to in this chapter as the “Department”), who shall serve at the pleasure of the Secretary, and who shall advise and inform the Board as to the methodology used by the Department in making its cost of production calculations.

(b) Duration of terms

The terms of the initial Board members shall expire (as designated by the Secretary at the time of appointment) as follows: two at the end of the first year, two at the end of the second year, three at the end of the third year, and three at the end of the fourth year. Thereafter, the terms of all members, with the exception of the member provided for in subsection (a)(3) of this section, shall be four years, except that any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of such person’s predecessor.

(c) Number of terms

A person may serve as a member of the Board for one or more terms.

(d) Chairman and Vice Chairman

The Secretary shall designate one member of the Board to serve as Chairman and one member to serve as Vice Chairman, respectively, each of which shall serve as such until his or her respective term expires. The Board member provided for in subsection (a)(3) of this section may not serve as Chairman or Vice Chairman.

(Pub. L. 97-98, title X, §1006, Dec. 22, 1981, 95 Stat. 1261; Pub. L. 99-198, title X, §1023(a), Dec. 23, 1985, 99 Stat. 1460; Pub. L. 101-624, title XI, §1145(a), Nov. 28, 1990, 104 Stat. 3516.)

AMENDMENTS

1990—Subsec. (a)(1). Pub. L. 101-624 substituted “seven members who, individually or as a group, are engaged in the commercial production of each of the program crops and in one or more of the other various major agricultural commodities produced in the United States”

for “seven members who are engaged in the commercial production of one or more of the various major agricultural commodities produced in the United States”.

1985—Subsec. (c). Pub. L. 99-198 amended subsec. (c) generally, substituting provision authorizing a person to serve as a member of the Board for one or more terms for provision limiting a person to two terms of service with the Board, with the exception of the member provided for in subsec. (a)(3) of this section.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101-624, set out as a note under section 1421 of this title.

§ 4103. Functions of Board

The Board shall—

(1) review the adequacy, accuracy, and timeliness of the cost-of-production methodology used by the Department in determining specific cost of production estimates;

(2) advise the Secretary as to whether the cost of production methodology used by the Department in connection with the administration of its price support programs accurately and fairly represents the costs of production incurred by producers;

(3) review the adequacy of the parity formulae;

(4) advise the Secretary on such other matters dealing with the cost of production of agricultural commodities and price support operations as the Secretary may request; and

(5) make such recommendations to the Secretary as the Board deems appropriate, including ways in which the cost of production methodology and parity formulae can be improved.

(Pub. L. 97-98, title X, §1007, Dec. 22, 1981, 95 Stat. 1261.)

§ 4104. Meetings of Board

The Board shall meet twice annually, or more frequently, if necessary, for the purpose of carrying out its functions.

(Pub. L. 97-98, title X, §1008, Dec. 22, 1981, 95 Stat. 1262.)

§ 4105. Recommendations to Secretary

From time to time, as necessary, the Board shall make written findings and recommendations to the Secretary. The Secretary shall report to the Board on the disposition of these recommendations, including the Secretary’s reasons for declining to accept the Board’s recommendations, if such declinations are made. The Secretary shall make such reports no later than one hundred and twenty days after the written submission of such recommendations.

(Pub. L. 97-98, title X, §1009, Dec. 22, 1981, 95 Stat. 1262.)

§ 4106. Reports

Within ninety days after the close of each calendar year and immediately prior to the Board’s expiration, the Board shall submit a written report to the Secretary, the Senate Committee on Agriculture, Nutrition, and Forestry, and the House Committee on Agriculture. This report